IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 23042 of 1996

Between:

Srikanth Expellers, rep. by its Proprietor Sri.D.Prabhakar Reddy, Chennareddy Colony, Pulivendla, Cuddapah District.

..... PETITIONER

AND

1.The Chief Engineer (Electricity),

A.P.State Electricity Board, Cuddapah Zone, Cuddapah

2.The Superintending Engineer (Assessments), A.P.State Electricity Board,

Cuddapah.

3.The Assistant Divisional Engineer (D.P.E.), Cluster Schemes, A.P.State

Electricity Board, Pulivendla, Cuddapah District.

4.The Assistant Divisional Engineer, Cluster Schemes, A.P.State Electricity

Board, Pulivendla, Cuddapah District.

5.The Assistant Accounts Officer, E.R.O., Pulivendla, Cuddapah District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Certiorari or any other appropriate writ, order or directing calling for

the records of the proceedings of the 1st respondent issued vide letter No.CE/CZ/CDP/C&P/221/A.119-96-CDP/D.No.3969/96, dated 30.09.1996 confirming the orders passed by the second respondent, quash the same.

Counsel for the Petitioner: MR.C.V.NAGARJUNA REDDY

Counsel for the Respondents: MR.J.SIDDAIAH

The Court made the following:

ORDER:

Heard both sides.

The petitioner, which is an Industry, seeks to assail by way of this writ petition, *inter alia*, impugned proceedings dated 30.09.1996.

The case of the petitioner is that in pursuance of the inspection conducted on 08.01.996, a provisional assessment dated 20.01.1996 was issued followed by a show-cause notice dated 15.02.1996. However, no explanation was filed. Therefore, ultimately final assessment was made on 19.06.1996 at Rs.84,686/-. Though the petitioner carried the matter in appeal, the same was confirmed.

The learned counsel for the petitioner though sought to raise several contentions which virtually touched upon the merits and also on factual side, however, having regard to the fact that the findings of both the authorities are held against it, it is not open for this Court to come to a different conclusion, more so, even the specific allegation was made to the effect that the meter box and CTs box were sealed, insulation of incoming service wires in all three phases before meter wilfully removed and simply taped, leading to consumer frequently

tapping energy bypassing. It is represented by the learned counsel for the petitioner that during the pendency of the proceedings, the petitioner has already deposited 50% of the said amount. By taking into consideration the fact that the inspection was conducted as long back as on 08.01.1996 and that no explanation is filed, it cannot be said that the amount as assessed is quite reasonable.

In view of the same, the writ petition is allowed in part. The amount demanded in the impugned proceedings dated 19.06.1996 i.e., Rs.84,686/- is reduced to 50% which comes to Rs.42,343/-. No costs.

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02.12.2004

VGB

That Rule nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday, The Second Day of December, Two Thousand and Four.

To

1.The Chief Engineer (Electricity),

A.P.State Electricity Board, Cuddapah Zone, Cuddapah

2.The Superintending Engineer (Assessments), A.P.State Electricity Board, Cuddapah.

3.The Assistant Divisional Engineer (D.P.E.), Cluster Schemes, A.P.State Electricity Board, Pulivendla, Cuddapah District.

4.The Assistant Divisional Engineer, Cluster Schemes, A.P.State Electricity Board, Pulivendla, Cuddapah District.

5.The Assistant Accounts Officer, E.R.O., Pulivendla, Cuddapah District.

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